

TRANSPORTATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

Table of Contents

2005 Legislative Session

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.41 - Rules Governing Provisions Applicable to Fees for Services

Docket No. ***39-0241-0401***2

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

***39.03.17 - Rules Governing Permits for Manufactured Homes,
Modular Buildings, and Office Trailers***

Docket No. ***39-0317-0401***6

House Transportation and Defense Committee

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.41 - RULES GOVERNING PROVISIONS APPLICABLE TO FEES FOR SERVICES

DOCKET NO. 39-0241-0401

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is **December 1, 2004**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 49-201(1), 49-202(2), and 67-2510, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 15, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule allowed bulk sale of the driver record database (more than 925,000 records). Concerns related to privacy and re-dissemination of personal information made continuation of bulk sale of driver records questionable. The rule change removes the provision for bulk sale of driver records. Individual record access to driver information would continue to be available to authorized requestors as provided in Section 49-203, Idaho Code.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rulemaking removes the provision for bulk sale of driver records, which will help to protect the privacy of drivers in Idaho.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: There is no fee or charge being imposed or increased.

NEGOTIATED RULE-MAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes were determined to be in the public interest to protect the privacy of drivers licensed in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ed Pemble, Driver Services Manager, 332-7830.

House Transportation and Defense Committee

IDAHO TRANSPORTATION DEPARTMENT
Provisions Applicable to Fees for Services

Docket No. 39-0241-0401
Temporary Rule

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before December 22, 2004.

DATED this 3rd day of November, 2004.

Linda L. Emry, Management Assistant
Office of Budget, Policy, and Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129, Boise ID 83707-1129
Phone – 208-334-8810 / FAX – 208-334-8195

THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0241-0401

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter.

(12-1-04)T

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General".

(12-1-04)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter.

(12-1-04)T

005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129.

(12-1-04)T

02. Office Hours. Daily office hours are 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays.

(12-1-04)T

03. Telephone and FAX numbers. The central office may be contacted during office hours by phone at 208-334-8000 or by fax at 208-334-3858.

(12-1-04)T

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code.

(12-1-04)T

House Transportation and Defense Committee

IDAHO TRANSPORTATION DEPARTMENT Provisions Applicable to Fees for Services

Docket No. 39-0241-0401
Temporary Rule

~~0027.~~ -- 099. (RESERVED).

100. ADMINISTRATION.

Idaho Code provides for the collection of fees for related services. This rule provides for automation considerations and a fee schedule to uniformly apply the ten dollar (\$10) per-hour fee provided by Idaho Code. The following fees apply for services and copies of files regarding motor vehicle or other registration, motor vehicle titles, drivers' licenses or commercial drivers licenses, and are based on a ten dollar (\$10) per hour photocopying charge: (12-26-90)

01. Paper or Microfilm Records. Copies of supporting driver's license, registration, or title records from paper or microfilm records, based on an average of twenty-four (24) minutes to fully process these requests. Fee per document, four dollars (\$4). (9-4-91)

02. Automated Records. Idaho Code does not provide a fee for complete county or statewide automated copies of ~~driver's license~~, registration or title files. A fee has been based on the costs to produce special file requests. ~~(12-26-90)~~(12-1-04)T

a. A base charge for programs requiring: One (1) to three (3) sorts, seventy-five dollars (\$75). Each additional sort, twenty-five (\$25). (12-26-90)

b. In addition to the above, the computer cost, printer cost and tape access cost, as established by ~~ISDP~~ the information technology section will be charged. ~~(12-26-90)~~(12-1-04)T

c. Any mailing, shipping or special handling costs will also be added to the charges. (12-26-90)

03. Magnetic Tapes Must Be Provided. Requestors must provide magnetic tapes for this purpose. Data is provided in a standard department format. Vehicle or driver history information is not included. The only selection ~~criteria~~ criterion is by counties. ~~(12-26-90)~~(12-1-04)T

04. Records Provided Free of Charge. Motor vehicle and driver records will be provided free of charge to the following: (9-4-91)

a. State Agencies. (9-4-91)

b. County Assessors. (9-4-91)

c. County Sheriffs. (9-4-91)

d. Peace Officers requesting records in the performance of their duties as per Section 49-202(3), Idaho Code. (9-4-91)

05. Rules for Providing Records Free of Charge. The Division of Motor Vehicles Bureau shall observe the following guidelines when providing records free of charge: ~~(9-4-91)~~(12-1-04)T

a. Records will be provided free of charge only if they are a standard computer run

House Transportation and Defense Committee

IDAHO TRANSPORTATION DEPARTMENT Provisions Applicable to Fees for Services

**Docket No. 39-0241-0401
Temporary Rule**

that does not require special programming and/or sorting. Records requiring special handling will be provided for a fee equal to the cost of the additional handling. (9-4-91)

b. Records will be provided free of charge on computer tapes supplied by the requestor, or as a standard computer printout. All other formats will be provided for a fee equal to the cost of the additional materials. (9-4-91)

c. The Assessor's Clearinghouse and the Sheriff's Clearinghouse shall each establish a single standardized computer printout that will be used for all motor vehicle and driver requests from their respective agencies. (9-4-91)

d. Records access agreements between the Division of Motor Vehicles ~~Bureau~~ and government agencies requesting motor vehicle and driver records shall be negotiated and renewed annually, and shall contain a list of all personnel who will have access to the records and/or on-line terminals. ~~(9-4-91)~~(12-1-04)T

e. On-line computer installation and equipment shall be charged at a rate defined in the annual agreement. (9-4-91)

House Transportation and Defense Committee

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.17 - RULES GOVERNING PERMITS FOR MANUFACTURED HOMES, MODULAR BUILDINGS, AND OFFICE TRAILERS

DOCKET NO. 39-0317-0401

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 40-312 and 49-1004, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 17, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making: **This rulemaking removes the restriction on the depth of eaves on manufactured homes and office trailers being towed and on manufactured homes, modular buildings or offices being hauled, as long as the eighteen foot maximum overall width limitation is not exceeded. This results in a positive and immediate economic impact on the industry in being able to contract to build manufactured homes that meet subdivision requirements for the depth of eaves. The previously set eave depth placed an unnecessary restriction on the transport of these structures which inhibited their sale and delivery.**

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rulemaking confers a benefit on the manufacturer, seller, transporter and buyer of the manufactured structures governed by this rule.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULE-MAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this change is being promulgated at the request of the industry with whom it would be negotiated.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Alan Frew, Port of Entry Manager, 334-8694.

House Transportation and Defense Committee

IDAHO TRANSPORTATION DEPARTMENT
Permits/Manf. Homes/Modular Buildings/Office Trailers**Docket No. 39-0317-0401**
Temporary Rule

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 24, 2004.

DATED this 30th day of September, 2004.

Linda L. Emry, Management Assistant
Budget, Policy, and Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129
Boise ID 83707-1129
Phone – 208-334-8810
FAX – 208-334-8195

THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0317-0401

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter.

(10-1-04)T

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General”.

(10-1-04)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter.

(10-1-04)T

005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129.

(10-1-04)T

02. Office Hours. Daily office hours are 7:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays.

(10-1-04)T

03. Telephone and Fax Numbers. The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 208-334-8419.

(10-1-04)T

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code.

(10-1-04)T

0027.--009. (RESERVED).

House Transportation and Defense Committee

IDAHO TRANSPORTATION DEPARTMENT
Permits/Manf. Homes/Modular Buildings/Office Trailers

Docket No. 39-0317-0401
Temporary Rule

(BREAK IN CONTINUITY OF SECTIONS)

200. MANUFACTURED HOMES AND OFFICE TRAILERS BEING TOWED.

01. Connection Device. A ball hitch coupler. (10-2-89)

02. Length. Not in excess of eighty (80) feet including tongue. (10-2-89)

03. Width. Shall be limited to a maximum of sixteen (16) feet at the base and shall not exceed eighteen (18) feet overall width including the eaves. (3-23-98)

** Determination of manufactured home or office trailer width shall be exclusive of such appurtenances as clearance lights, door handles, window fasteners, door and window trim, moldings and load securement devices up to but not in excess of three (3) inches on each side of load. (3-23-98)

04. Eaves. ~~The eaves may extend up to sixteen (16) inches~~ No restrictions on eaves as long as the eighteen (18) feet maximum overall width limitation is not exceeded.
(3-23-98)(10-1-04)T

05. Weight. The maximum allowable load for any vehicle tire operated on any public highway shall be in accordance with Code of Federal Regulations, Title 24, Chapter 20, Office of Assistant Secretary for Housing - Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Subpart J, (CFR Title 24). (3-23-98)

06. Running Gear Assembly - General. The entire system (frame, drawbar, and coupling mechanism, running gear assembly including brake systems, axles and lights) shall be in accordance with CFR Title 24, for the year the manufactured home was built. In addition thereto, all tires used in transportation of manufactured homes under this category shall be in accordance with Federal Motor Carrier Safety Regulations, part 393. (3-23-98)

07. Construction. Construction shall be in accordance with CFR Title 24, for the year the manufactured home was built. (3-23-98)

08. Axles. All axles shall be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have a minimum of four (4) axles. (3-23-98)

09. Brakes. Brakes shall be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have brakes on a minimum of three (3) axles. (3-23-98)

10. Lights. The unit shall have stop lights, turn signals and tail lights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393. (3-23-98)

11. Safety Chains. Two (2) safety chains shall be used, one (1) each on right and left sides of, but separate from, the coupling mechanism connecting the tow vehicle and the

House Transportation and Defense Committee

IDAHO TRANSPORTATION DEPARTMENT
Permits/Manf. Homes/Modular Buildings/Office Trailers

Docket No. 39-0317-0401
Temporary Rule

manufactured home while in transit. Chain shall be three-eighths (3/8) inch diameter steel. Chains shall be strongly fastened at each end to connect the tow vehicle and manufactured home and assure that in the event of a coupling failure the manufactured home will track behind the tow vehicle. (3-23-98)

(BREAK IN CONTINUITY OF SECTIONS)

300. MANUFACTURED HOME, MODULAR BUILDING, OR OFFICES BEING HAULED.

01. Length. Not in excess of eighty (80) feet. (10-2-89)

02. Width. Not in excess of sixteen (16) feet at the base and eighteen (18) feet overall. (3-23-98)

03. Eaves. ~~The eaves may extend up to sixteen (16) inches~~ No restrictions on eaves as long as the eighteen (18) foot maximum overall width limitation is not exceeded. (3-23-98)(10-4-04)T